

AMENDED IN ASSEMBLY AUGUST 18, 2005

AMENDED IN SENATE MAY 9, 2005

AMENDED IN SENATE APRIL 12, 2005

**SENATE BILL**

**No. 909**

**Introduced by Senator Escutia  
(Coauthor: Senator Perata)**

February 22, 2005

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An act to amend Section 709 of the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

SB 909, as amended, Escutia. Telecommunications: video services: fair competition.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations. Existing law authorizes the commission to establish rules for all public utilities, subject to control by the Legislature. Existing law declares the policies for telecommunications in this state.

This bill would declare establishing fair competition in the areas of telecommunications and video services as a policy for telecommunications in this state.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

1 (a) At one time cable television corporations were monopoly  
2 providers of video services, but technological advances have  
3 made satellite-direct video services a viable competitor.

4 (b) Technological advances are allowing telephone  
5 corporations to offer video service over enhanced  
6 telecommunications networks.

7 (c) Soon, commercial mobile radio service providers,  
8 including cellular telephone companies, will be offering video  
9 service over their wireless networks.

10 (d) The public interest is served when there is widespread  
11 access to multiple providers that are competing fairly to offer  
12 video services to consumers.

13 (e) Fair competition requires a level playing field with respect  
14 to state-mandated obligations.

15 (f) It is the intent of the Legislature to establish rules for the  
16 provision of video services that encourage fair competition.

17 SEC. 2 Section 709 of the Public Utilities Code is amended to  
18 read:

19 709. The Legislature hereby finds and declares that the  
20 policies for telecommunications in California are as follows:

21 (a) To continue our universal service commitment by assuring  
22 the continued affordability and widespread availability of  
23 high-quality telecommunications services to all Californians.

24 (b) To focus efforts on providing educational institutions,  
25 health care institutions, community-based organizations, and  
26 governmental institutions with access to advanced  
27 telecommunications services in recognition of their economic  
28 and societal impact.

29 (c) To encourage the development and deployment of new  
30 technologies and the equitable provision of services in a way that  
31 efficiently meets consumer need and encourages the ubiquitous  
32 availability of a wide choice of state-of-the-art services.

33 (d) To assist in bridging the “digital divide” by encouraging  
34 expanded access to state-of-the-art technologies for rural,  
35 inner-city, low-income, and disabled Californians.

36 (e) To promote economic growth, job creation, and the  
37 substantial social benefits that will result from the rapid  
38 implementation of advanced information and communications  
39 technologies by adequate long-term investment in the necessary  
40 infrastructure.

1 (f) To promote lower prices; *and* broader consumer choice,  
2 ~~and avoidance of~~ *to avoid* anticompetitive conduct.

3 (g) To remove the barriers to open and competitive markets  
4 and promote fair product and price competition in a way that  
5 encourages greater efficiency, lower prices, and more consumer  
6 choice.

7 (h) To establish fair competition in the areas of  
8 telecommunications and video services.

9 (i) To encourage fair treatment of consumers through  
10 provision of sufficient information for making informed choices,  
11 establishment of reasonable service quality standards, and  
12 establishment of processes for equitable resolution of billing and  
13 service problems.